

REMARKS

Applicant notes the allowability of dependent claim 27 (27/24) if this claim is rewritten in independent form; however, Applicant respectfully requests Examiner Kayes to hold in abeyance such rewriting until the Examiner has had an opportunity to reconsider (and withdraw) the rejection of the parent claim 24.

Claims 15-19, 23 and 28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Koch '984.

Claims 20 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Koch in view of Megner.

Claim 24 is rejection under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Koch in view of Yano in view of Denninger '446.

Claim 25 is rejected under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Koch in view of Yano and Denninger and further in view of Kalis '671.

Even though there is no explanation of the rejection of claim 21, per a telephone interview with Examiner Kayes on December 23, it was agreed that claim 21 should be considered rejected as on page 8, paragraph 17 of the final office action of April 17, 2008. That is, claim 21 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Koch, Megner and further in view of Baumgartner '485.

Applicant respectfully **traverses** each of these rejections. A primary basis for each of these traversals is that there are deficiencies in the individual disclosures of Koch and Yano and in the Koch/Yano combination, which are relied upon by the Examiner.

Independent claims 15 and 24 read in pertinent part:

Portable electronic instrument, such as a wristwatch (1), including:

- a case (2) enclosing an electronic module (6)• and a display device (5);
 - a crystal (3) fitted onto said case (2);
 - an electric power supply source (10) housed in said case (2) and powering said electronic module (6) and said display device (5); and
 - an antenna (20) for receiving and/or transmitting radio-frequency signals electrically connected to said electronic module (6), characterised in that said case (2) includes:
 - an exterior body (4) including a bottom (4a) and lateral walls (4b); and
 - a bezel element (7) fitted onto said exterior body(4) and supporting said crystal (3).
- and in that said antenna (20) rests on an outer face (7a) of said bezel element (7).

KOCH does not disclose, or even suggest, the combination of a case (2) enclosing an electronic module (6) with a bezel element (7) fitted onto an exterior body (4) and supporting a crystal (3), and an antenna (20) resting on an outer face (7a) of this bezel element, as claimed.

KOCH deals with a watch comprising an antenna and an electronic module integrated in a bezel. As can be seen from Fig. 2 and 3, the electronic module 22 of KOCH is not enclosed within the case onto which a crystal is fitted, as claimed by Applicant. In, contrast, the electronic module 22 is laid next to the antenna 20 in a recess 18 of the bezel. Since the antenna 20 is, hence, also arranged within the recess 18 of the bezel, it cannot be considered as resting on an outer face of a bezel, as claimed, either. According to KOCH, the outer face of the bezel would indeed be made up by the cover 30.

Thus, since Koch does not disclose, either expressly or inherently, each limitation of each of claims 15-19, 23 and 28, or in other words, since these claims are **not readable** on Koch, Applicant respectfully submits that Koch is **incapable of anticipating** claims 15-19, 23 and 28.

The remaining rejections under 35 U.S.C. § 103(a) rely on Koch or Koch/Yano in combination with other secondary and tertiary references.

The glaring deficiencies in Koch have already been described immediately above.

Furthermore, in *KOCH*, the fact that the antenna lies next to the electrical module can lead to a mutual disturbance between the antenna and the electronic module.

YANO solves this mutual disturbance problem by providing a shielding structure between the antenna and the electronic module, wherein the antenna is still placed in the vicinity of the electronic module. However, the solution of *YANO* has drawbacks in terms of assembling complexity, limited material selection for the exterior parts and wearing comfort, as mentioned page 1, line 18 to page 2, line 8 of Applicant's specification. It is noted that the YANO reference pertains to the same invention as EP0982639, which is cited as prior art in Applicant's specification.

It is precisely an object of the present invention to provide a solution that is free of the mutual disturbance between the antenna and the electronic components of the instrument, while simultaneously overcoming the drawbacks of YANO.

The combination of *KOCH* and YANO would not, and could not, lead to the claimed solution, because there is not even a hint provided at moving the electronic module and the antenna apart, in placing the electronic module inside a casing and while the antenna rests on/ lies within a bezel. In terms of compactness and ease of assembling, the arrangements of *KOCH* and YANO are almost incompatible. An acceptable wearing comfort cannot to be maintained without increasing the size of the bezel and the casing, in order to place appropriate efficient shielding for the electronic module and the antenna within the bezel.

In view of the above-described deficiencies in *Koch/Yano*, even if they were modified by the other secondary and tertiary references as proposed by the Examiner, there would not be produced the subject matter of any of the pending claims, or subject matter which would have rendered these claims obvious.

In summary, then, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections of claims 15-25 and 28, and to find the application to be in condition for allowance with all claims 15-25, 27 and 28; however, if for any reason the Examiner feels that the application is not in now in condition for allowance, he is respectfully requested to **call the undersigned attorney** to discuss any unresolved issues, and to expedite the disposition of the application.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be charged to Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,

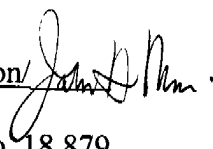
SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: December 29, 2008

/John H. Mion/ 
John H. Mion
Registration No. 18,879